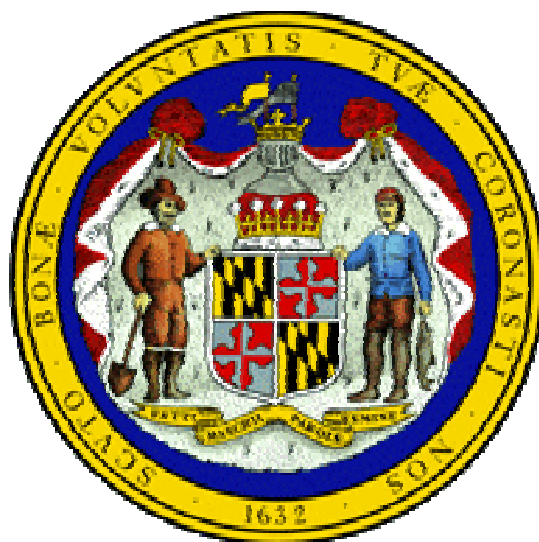


# **CIRCUIT COURT FOR MONTGOMERY COUNTY**



## **Adult Drug Court** Participant Handbook

# **Welcome**

**to**

## **The Circuit Court for Montgomery County's Adult Drug Court Program**

Welcome to the Montgomery County Circuit Court's Adult Drug Court Program. By agreeing to enroll in this program you have taken an important step toward your recovery from a life that is dependent on alcohol and other drugs. Through effective evaluation, treatment, and monitoring, our goals are to help you to achieve new levels of personal responsibility and productive citizenship.

This is a tough personal challenge for you ... but you are not alone. The Drug Court Program partners with you to support your decision to overcome your addiction and to begin a new life free from your dependence on alcohol and other drugs. You will work with your family, your community, a Judge from the Circuit Court, and a team of professional that includes members from the Public Defender's and State's Attorney's Offices, the Department of Parole and Probation, the Department of Health and Human Services, and the Department of Correction and Rehabilitation. Together, we will develop treatment and monitoring plans that work to assist you, toward overcoming your use or dependence on alcohol and other drugs. Together, we will share the goal of helping you to become drug and alcohol free and to avoid any future involvement in crimes.

It won't be easy. We expect a lot from you and you can expect a lot from us.

**But ... if you work hard, you will succeed.**

Even if you have been enrolled in other programs in the past and were unable to end your use of alcohol and other drugs that does not matter. By agreeing to enroll in this program, *you have made a choice to give yourself a new beginning* ... we will help you to focus on your FUTURE rather than on your PAST. We will support you in that effort in ways that may be different from your other experiences to end your addiction(s).

Even though substance abuse has been part of your life up to now, you can succeed in your recovery from addiction. You are part of this program because we know you can succeed, you are worthy of success, and we want to help you to achieve your goal of being freed from your addiction.

**The real choice to succeed, though, is YOURS.**

To help you to become familiar with the program and to help you to understand your role, and the roles of the court and treatment providers, we are providing you with this handbook as your guide to Montgomery County's Adult Drug Court Program, philosophy, rules and procedures.

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Please read the entire guide so that you are familiar with what it means to participate in this program. If you have questions, we are available to answer them honestly and completely so that you are as confident of your success as we are.

## **Adult Drug Court**

### **Program Overview – What is Drug Court?**

The Montgomery County Adult Drug Court Program is a voluntary program that offers a new opportunity to offenders who require a more intensive focus on treatment and monitoring, and who may benefit from more direct attention from the Court.

It is a program that is completed in three phases and can extend anywhere from 9–18 months depending on your progress. Over the course of your participation in the Program, you will be involved in individual and group therapy, regular meetings with your Case Manager, random drug testing, case supervision and monitoring, and participation in regular sessions of the Drug Court.

**Our common goal is your graduation from the Program ...  
and living a life free from your addiction.**

### **To participate in the Program, you must be:**

- An adult resident of Montgomery County, Maryland;
- Charged with a Violation of your Probation (VOP) from a Circuit Court sentence;
- Have at least 18 months of time remaining on your probation to allow enough time to participate in each phase of the Drug Court program;
- Non-Violent;
- Assessed as a substance abuser; and,
- Fully capable of participating in Drug Court activities and programs.

### **General Information about the Drug Court Program**

The Drug Court program includes:

- **Involvement by a Circuit Court Judge who works closely with a team** whose members come from the Public Defender's and State's Attorney's Offices, the Department of Parole and Probation, the Department of Health and Human Services, the Department of Correction and Rehabilitation, and the Circuit Court. The Drug Court Team will meet weekly to review the progress of every participant in the Program and to make recommendations to the Judge on how best to achieve your goal for recovery.
- **Treatment Planning to promote your recovery:**

- Development and regular review of a treatment plan. You will have a Case Manager assigned to you to develop, monitor, and when necessary, change the treatment plan. Your Case Manager is responsible for getting you assigned to your individual and group counseling sessions, and to coordinate the other services that make up your individual treatment plan.
  - You will have frequent and regular meetings with your Case Manager and treatment providers.
  - Depending on your specific needs, there may be additional referrals to other services to promote your success in this Program. These other services will become a part of your Treatment Program that is developed with your Case Manager and approved by the Court.
  - Your treatment program may change over the course of your involvement in the Drug Court Program. As we get to know you better, become more clear on your specific needs, and assess your progress in the Program, we may recommend changes to your initial treatment plan so that you are receiving the most appropriate response to your situation as possible.
  - Incentives/rewards for the positive things you do ... like getting or staying clean, achieving a personal goal, or sticking with the goals and objectives of your treatment plan.
- **Drug Court Team Meetings**
    - The Drug Court Team meets weekly to review your treatment plan, progress in the program, and to make recommendations to the judge before each Court hearing. At the time of each Drug Court hearing, each member of the Team will have had the opportunity to make specific recommendations to the Judge on how best to proceed with your case. You will not be expected to attend the Drug Court Team Meeting, but you **will** participate and attend scheduled Drug Court hearings.
  - **Supervision and Monitoring:**
    - Weekly or bi-weekly appearances before the Judge (the Drug Court hearing);
    - Regular and random urinalysis or Breathalyzer tests (Drug Testing);
    - Monitoring compliance with ALL of the conditions of your participation in this Program.
    - Consequences (Sanctions) for negative behavior or failing to live up to the conditions of your Probation.
  - **Graduation**

- Graduation from the program occurs when you complete all three phases of the Program plus any other conditions of probation such as community service or restitution. You can graduate in as little as 9 months, though many participants may take a year or longer to complete the program. How well you perform in the program determines when you will graduate. And remember, **YOU** determine how well you do in the Program.
- **Aftercare (Once you graduate from the Program):**
  - Developing a plan to continue the recovery process once you graduate from the program. The goal of your aftercare plan is to support you to remain drug-free for the rest of your life.
  - Links to community support and other programs after graduation.

### **Some More Detailed Information About your Participation in the Drug Court Program**

#### **Drug/Alcohol Testing**

- By enrolling in this Program you have agreed to participate in drug testing on a random basis, with the frequency depending on which phase of the Program you are in, and on the results of your testing. Drug testing is one way to demonstrate that you are remaining drug free and is an important part of proving to yourself that you are headed toward a life free from the use or dependence on alcohol and other drugs or illegal substances. There are a few things you must understand about drug testing, and how the Program will use its results:
  - You will be observed while providing your urine sample or while you are being administered a Breathalyzer test;
  - A good result, meaning that your test shows that you have been drug-free since your last test, will be reported to the Court. That is an accomplishment you should be proud of and the Drug Court Team will advise the Court of your achievement,
  - Missing a Drug Test. Any unexcused, missed test will count as a “dirty” sample, that is, a sample that tests *positive* for illegal/illicit substances. The reason we count it as a test that is POSITIVE for illegal or illicit drugs is because individuals in drug treatment often avoid testing when they know, or believe, that their test will indicate on-going drug use. There is no advantage to avoiding your drug test ... if you take it and it is positive,

or if you AVOID it and it is then TREATED as a positive test, the result is the same ... your treatment team treats both as your having USED a substance that is prohibited for you.

- Just like trying to AVOID a test, any test where you may try to dilute or otherwise tamper with your urine samples will count as a “dirty” sample. The same reasoning applies here ... there is no TREATMENT advantage to you if the results of your drug tests are not reliable as a guide toward the development of a meaningful, effective, treatment program. If you’ve used an illegal or prohibited substance and then try to hide that from your treatment team by tampering with the results in any way, you harm our ability to help you.

If your sample is “dirty” (meaning that it indicates you’ve used an illegal or prohibited substance) but you think that the test results are wrong, you may request that we send your sample to an independent laboratory for a re-test to confirm the results. One thing to think about though is that if you challenge the result but the laboratory confirms the initial positive result, you will have to pay for the costs of the re-test. That fee is normally about \$40.00 but depends on the actual charges from the lab selected for the re-test. If you are right and the initial results were incorrect, you will NOT be billed for the re-test.

- If your sample is dirty (positive for illegal/illicit substances), the Drug Court Team will recommend some consequence to the Court to help you to get back on track with your program requirements and to foster full compliance with the program.

### **Court Hearings**

You will be required to attend regular court hearings on a weekly basis in the first phase and then less often in the later phases. Making sure that you show up for your court hearings is positive evidence of your interest in success and demonstrates your on-going commitment to the Drug Court Program. If you fail to appear, the Drug Court team will recommend an appropriate response to the Drug Court Judge ... As in any situation where you may not be meeting your obligations to the Program, those recommendations may include a range of sanctions, including a request for a Bench Warrant for your arrest.

### **Progress Reports**

At each court hearing, the judge will hear a report on your progress. Your caseworker will discuss your performances in areas such as attendance/performance in the Program, participation and cooperation in treatment or group sessions, your behavior at home, drug test results, and a

review of your activities in the Program. The report will identify both accomplishments and areas that need improvement. The judge may ask you about your progress and discuss any problems you may be having.

If you are performing well, the judge may choose to recognize your achievements in a number of ways ... that might include praise at the hearing, suggest other changes to the conditions of your probation that recognize your progress, or consider other incentives or rewards. If you need to correct your behavior, the judge will talk to you about ways to get back on track. The judge may decide that serious consequences are required to help you comply with the rules of the program. Referred to as "Sanctions", these consequences are intended to help you understand your accountability to yourself and to the program. Sanctions can range from new levels of monitoring, changes in your program requirements, increased attention to your treatment sessions, and, in the most serious cases, a period of incarceration.

### **Incentives**

When you are working hard and comply with the terms of your enrollment in the Program, the Judge will, from time to time, reward you for your efforts. Those rewards are designed as "incentives" to keep you on track toward YOUR graduation. Meeting the requirements of this program can be a challenge ... and we want to recognize your achievements as you progress through the program ... and soon as possible. At your Court hearings you should expect to hear the Court praise your progress and to make the effort to demonstrate to YOU and to others that you are on a path to success.

Not every participant will receive a reward every time he/she appears before the Court. However, by demonstrating that you are involved in the Program and working to complete the Program and overcome your addiction, the Court will, from time to time, recognize you for your efforts. Examples of "incentives:" include:

- Ceremonies and tokens or certificates of progress
- Decreased frequencies for court appearances
- Modify or re-define certain conditions of your Probation
- Modify how often you will be drug tested
- Promotion to the next phase of the program;
- And other ways to publicly recognize your progress'

### **Sanctions**



“Sanctions” are court imposed restrictions or consequences that result from poor choices or negative behavior(s) on your part. The goal of court-imposed sanctions is to get you to comply with the rules of the program. While the focus is always on positively getting you to engage in your therapies and other positive aspects of the program, we recognize that there will be situations where we must take action to protect the integrity of the program, insist on your compliance with rules of behavior, protect the community, and use the power of the court to get you back on track toward your own sobriety.

Sanctions can vary from increased programs requirements, delaying promotions to the next phase of the program, increased monitoring, and ultimately, periods of incarceration. The length and severity of your sanctions are under your control. You have choices to make throughout the course of this program and we hope that all of them are good ones.

Examples of sanctions are:

- Warnings from the Judge in a meeting with you during Drug Court sessions.
- Assignment to a work detail with a deadline to complete the assigned work.
- Increased number of drug/breath tests.
- A delay in promotion to next phase.
- Weekend detention.
- Termination from the Program.

### **Graduation**

Once you meet the criteria listed below, you will be eligible for graduation:

- Successful completion of all program and probation requirements including all restitution and costs;
- Satisfactory completion of community service and other program assignments;
- 180 continuous days of clean urinalysis;
- A positive recommendation for graduation by the Drug Court Team;
- The approval of the Drug Court Judge;
- Completion/implementation of an aftercare plan with your case manager.

Upon graduation from the Drug Court Program, you will be released from your conditions of probation. Graduation is the best reward that you can give to YOURSELF and is the real goal of this program. If you successfully complete the terms and conditions of your enrollment in the Drug Court Program, you can take great personal pride in achieving something that will reward you for your entire life.

Like all graduations, this is a new beginning for you ... and YOU'RE the person responsible for its achievement.

### **Termination from the Program**

You should be aware that non-compliance with the terms of your probation could result in your termination from the Drug Court Program. Although termination should rarely occur, the following information provides examples of situations where you may be terminated from the program:

- You commit a crime of violence, or the Drug Court becomes aware of behavior that is violent or threatening to the safety of others.
- You have a diagnosed mental illness and that mental illness becomes sufficiently severe to prevent your continued, active and full participation in the Drug Court Program.
- You demonstrate a lack of willingness to engage in treatment and to comply with the conditions of probation imposed by the Drug Court;
- You continue to be involved with criminal activity while under the supervision of the Drug Court.
- You engage in acts of violence while under the supervision of the Drug Court Program. Special emphasis will be placed on any violence, or threats of violence, that occur in the participant's home, place of work, or at treatment centers/programs.

### **Confidentiality**

When you agreed to participate in the Drug Court Program, you signed a Consent form to permit the Drug Court Team to disclose medical, substance abuse treatment, and other information, to members of the Team and the Court. We respect your right to confidentiality as extended to all participants in Drug Court proceedings and we have developed policies and procedures that protect that right.

### **Use of Information collected through your Drug Court Participation in other hearings**

(insert information from the Confidentiality agreement where info is not to be disclosed)

### **Your Responsibilities/Program Rules**

1. By enrolling into the Drug Court Program, you agree to fully participate in the program ... that means that you will attend meetings and therapy sessions as required, be on time for those meetings, and openly communicate with your Case Manager or other members of the Drug Court Team when your circumstances require it.
2. You must sign the Agreement to participate in the Program along with the your Consent to disclose confidential information to the members of the Drug Court Team.
3. You are encouraged to communicate often with your Case Manager and others involved in your recovery so that the lines of communication are clear .. and everyone is working from the "same page."
4. Our goal is your recovery from addiction so you may not use illegal drugs or alcohol or misuse or abuse medications, at any time, for any reason.
  - b. If you are on prescribed medications, or use over-the-counter drugs at the direction of a medical professional, you must provide proof that a doctor is supervising your use of those medications. If you are under the care of a Physician or other Health Professional, continue to remain within their care. However, let your Case Manager know that you are being treated by a health Care Professional who is outside of the Drug Court Team.
  - c. You must provide a copy of all prescriptions to your Case Manager.
  - d. You must let your Case Manager know if your medication changes.
5. You must attend all treatment and program sessions as scheduled. In the event of an emergency, you must contact you Case Manager and provide the following written verification of the reason you could not attend: A letter signed and certified by your doctor or emergency room/hospital.
6. You must attend all scheduled court hearings. If you are ill, you must provide written verifications as above. If you do not appear, a writ may be issued for your arrest.
7. You must be on time for all program activities.
8. Dress modestly and appropriately for Court.

## **Conclusion**

The main goal of this Program is to offer you a program that is specific to your needs, support you with family and community involvement, and to provide you with an opportunity to be clean, sober, and crime-free. The Drug Court Team is here to guide and assist you but the final responsibility is YOURS.

To succeed, you will need motivation, a personal desire to succeed, and the support of family and friends. We respect your willingness to enter into this program and wish you every success.